

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, *et al.*,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A.
NEW YORK BRANCH, BNP PARIBAS
NORTH AMERICA, INC., and DOES 2-10,

Defendants.

Civil No. 1:16-Civ-03228-AJN

Hon. Alison J. Nathan

**INITIAL DISCLOSURES OF DEFENDANTS BNP PARIBAS AND BNP PARIBAS US
WHOLESALE HOLDINGS, CORP. (F/K/A BNP PARIBAS NORTH AMERICA, INC.)**

Defendants BNP Paribas and BNP Paribas US Wholesale Holdings, Corp. (f/k/a BNP Paribas North America, Inc.) (“BNPP-NA”) (collectively, the “BNPP Defendants”), by their undersigned attorney, submit the following initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1).

PRELIMINARY STATEMENT

Although their investigation is ongoing, the BNPP Defendants have made a reasonable and good faith effort to respond to the disclosure requirements of Rule 26(a)(1). The following responses are based on the allegations in plaintiffs’ Second Amended Complaint, ECF No. 49 (the “SAC”), and the information and documents known and presently available to the BNPP Defendants after the exercise of reasonable diligence. The responses contained here are made in a good faith effort to supply such factual information as is presently known, but in no way prejudice the BNPP Defendants’ right to supplement this disclosure in relation to further pleading, discovery, review, research or analysis. The BNPP Defendants reserve the right to object to the use—in discovery proceedings, in trial, or for any other purposes—of the

information referenced below based upon relevance, materiality, confidence, privilege, or immunity, or any other objection that may be available to them under applicable rules of law or evidence.

This preliminary statement applies to each and every response provided in this disclosure and is incorporated as though fully set forth in each response that follows. Without limiting the foregoing, in providing this disclosure, the BNPP Defendants do not intend to waive, but to the contrary intend to preserve, all applicable privileges, including, but not limited to, the attorney-client and work-product privileges. The BNPP Defendants expressly reserve the right to amend or supplement these disclosures as appropriate under Rule 26(e).

DISCLOSURES

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

In response to Rule 26(a)(1)(A)(i), the BNPP Defendants anticipate that they may support their defenses in this action with information from any party or non-party fact witness deposed in this action, as well as any expert witnesses identified by any of the parties to this action.

The BNPP Defendants have not yet identified any fact or expert witnesses that they anticipate using to support their defenses, unless solely for impeachment, but should that change upon further investigation, the BNPP Defendants will supplement these disclosures.

The following are miscellaneous categories of persons who may have discoverable information that each of the BNPP Defendants may use to support their claims and defenses:

1. Any person necessary to lay the foundation of any document.
2. Any person, their supervisor, or employee thereof, listed in any of plaintiffs' initial disclosures.

3. Any person identified in documents that each of the BNPP Defendants may produce or interrogatory responses the BNPP Defendants may provide in response to plaintiffs' discovery requests.

The BNPP Defendants reserve the right to supplement these disclosures pursuant to Rule 26(e).

II. DOCUMENTS THE BNPP DEFENDANTS MAY USE TO SUPPORT THEIR CLAIMS OR DEFENSES

While fact discovery has not yet commenced, in response to Rule 26(a)(1)(A)(ii), the principal locations of documents, electronically stored information, and tangible things in BNP Paribas's possession, custody, or control that BNP Paribas may use to support its claims or defenses including documents concerning or relating to Sudan, are the following:

BNP Paribas
New York, NY

BNP Paribas
Paris, France

The principal location of documents, electronically stored information, and tangible things in BNPP-NA's possession, custody, or control that BNPP-NA may use to support its claims or defenses is the following:

BNP Paribas US Wholesale Holdings, Corp.
New York, NY

All electronic documents the BNPP Defendants will produce in response to plaintiffs' discovery requests, or in supplementation of these initial disclosures, will be produced from the offices of Cleary Gottlieb Steen & Hamilton LLP.

The BNPP Defendants reserve the right to supplement these disclosures pursuant to Rule 26(e).

III. COMPUTATION OF DAMAGES

No response to Rule 26(a)(1)(A)(iii) is required at this time, as the BNPP Defendants have not alleged any counterclaims for damages against Plaintiffs. The BNPP Defendants reserve the right to supplement these disclosures pursuant to Rule 26(e).

IV. INSURANCE

In response to Rule 26(a)(1)(A)(iv), the BNPP Defendants do not have any insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment against them in this action or to indemnify or reimburse payments made to satisfy a judgment in this action. The BNPP Defendants reserve the right to supplement these disclosures pursuant to Rule 26(e).

Dated: New York, New York
May 10, 2021

CLEARY GOTTlieb STEEN & HAMILTON LLP

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